

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:

Testosterone Replacement Therapy Products  
Liability Litigation

CASE NO: 14-cv-1748

MDL NO. 2545

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THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF RACHEL ABRAMS, ESQ. FOR  
APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

I respectfully submit this Application for Appointment to the Plaintiffs' Steering Committee. In support of my application, I offer the following:

1. I am a partner of the law firm of Levin Simes LLP, in San Francisco, California and in good standing in all Courts in the State of California. Additionally, I am an active member of the General Bar for the Northern District of Illinois. I am counsel of record in 21 (twenty-one) testosterone therapy cases filed originally in the Northern District of Illinois and 19 (nineteen) of these case have been transferred into the MDL. The first case I filed was *Frederic Patrick v. AbbVie Inc., et al.*, Case No. 1:14-cv-02914, filed on April 23, 2014.

2. My practice is specialized in representing individuals who have been harmed by dangerous pharmaceuticals or medical devices, particularly mass tort products liability. I am the head of the firm's Pharmaceutical and Medical Device Litigation Department and have litigated (or am currently litigating) many pharmaceutical and medical device cases, among them Breast Implants, DES, Fen-Phen, Sulzer-Hip Implant, Medtronic-AneuRx, Guidant-Ancure, Zyprexa, Risperdal, Seroquel, Medtronic-Defibrillators, Guidant-Defibrillators, Avandia, Gadolinium-Based Contrast Agents, Byetta, Reglan, Denture Cream Litigation, DePuy Orthopaedic Hip Implants (ASR and Pinnacle), Actos, Mirena IUDs, trans-vaginal mesh (TVM), Stryker Rejuvenate and ABG II hip stems, and numerous other cases involving pharmaceuticals and medical devices. Through this work, I have developed the knowledge and expertise required to effectively litigate a case of this nature. I devote a significant percentage of my practice to

representing people in medical device litigation and will continue to do so in the representation of people injured by testosterone replacement therapy products.

3. My entire 15-year legal career has been focused on medical device and pharmaceutical cases. I have participated in numerous MDLs and served on numerous MDL committees. I was appointed by U.S. District Judge Cynthia Rufe to the Plaintiffs' Steering Committee ("PSC") for the Avandia litigation (MDL- 1871). I was appointed by Judge Goodwin of the U.S. District Court for West Virginia to the PSC of the *American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation* (2:12-md-02325, S.D. WV.), *Boston Scientific Corp., Pelvic Repair Systems Product Liability Litigation* (2:12-md-02326, S.D. WV.), *C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation* (2:12-md-02187, S.D. WV.), *Coloplast Corp. Pelvic Support Systems Product Liability Litigation* (2:12-md-02387, S.D. WV.), and *Ethicon Inc., Pelvic Repair Systems Products Liability Litigation* (2:12-md-02327, S.D. WV.) I was appointed by Judge Cathy Seibel of the U.S. District Court for the Southern District of New York to the PSC of *In Re: Mirena IUD Products Liability Litigation* (13-MD-2434). Additionally, I was the Co-Chair of the Science and Expert Committee for the Zyprexa litigation (*In re Zyprexa Prods. Liab. Litig.*, No. 04-MD-1596). Furthermore, I was most recently appointed by Judge Donovan Frank of the District of Minnesota to the PSC for *In Re: Stryker Rejuvenate and ABGH Implant Liability Litigation* (13-2441-DWF-FLN).

4. I have spoken at several seminars and conferences and often lecture in the areas of pharmaceutical/medical device litigation and in particular MDL procedures and litigation. I have also been identified as a "Rising Star" by Super Lawyers for six years in a row.

5. My reputation working cooperatively with other attorneys is evidenced by my track record of leadership positions in numerous mass tort litigations. Further, the fact that I have extensive experience leading groups of Plaintiffs' attorneys involved in complex litigation to successful and swift resolutions would serve this Court, the parties, and those injured by testosterone replacement therapy products.

6. As a member of the Plaintiffs' Steering Committee, I will uphold my duties by coordinating the responsibilities of the Steering Committee, assisting in discovery, service, and experts, and other related matters to prepare cases for trial, appear at periodic court noticed status conferences, perform other necessary administrative or logistic function of the Plaintiffs' Steering Committee and carry out any other duty as the Court may order.

7. My firm has and is willing to continue to devoted significant resources and effort to investigating and litigating the testosterone replacement therapy products cases. We have retained experts to assist us in evaluating and litigating these cases. Additionally, we have numerous partners, associates and support staff dedicated to the testosterone replacement therapy products litigation.

8. Currently, Levin Simes LLP represents over 300 (three-hundred) men injured by testosterone replacement therapy products and we anticipate continuing to acquire numerous more cases.

9. I was recently approached by proposed leadership for the Testosterone Replacement Therapy Products Liability Litigation with the offer to serve on the PSC. Although appreciative, I reiterated my firms' request to be considered for an Executive Committee position. I believe the breadth of testosterone therapy cases my firm has and my vast experience in litigating complex pharmaceutical cases makes me a strong candidate for leadership in the testosterone therapy MDL. I was advised that there was not a position available for me on the Executive Committee and that if I did not accept the PSC spot and individually requested an Executive Committee position, I would no longer be included on the proposed PSC slate to the Court. In the best interests of my firm and my clients, I accepted the proposal to be on the PSC and, given the opportunity, I look forward to aggressively litigating the testosterone replacement therapy cases in this capacity with the proposed leadership.

Based on the above, the undersigned respectfully request Your Honor's appointment to the Plaintiffs' Steering Committee in the Testosterone Replacement Therapy Products Liability Litigation.

Dated: July 3, 2014

Respectfully submitted,

/s/ Rachel Abrams

Rachel Abrams

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**CERTIFICATE OF SERVICE**

I, Rachel Abrams, hereby certify that on July 3, 2014 a true and correct copy of the foregoing was electronically filed using CM/CM filing system. Notice of this filing will be served on all parties of records via the ECF system, and parties may view and download the filing through the ECF system.

/s/ Rachel Abrams

Rachel Abrams